

Re: Petition for Letters of Administration

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a petition for letters of administration pursuant to O.C.G.A. §53-6-20, et seq.
2. Use of this form is permissible, but not mandatory, in connection with a petition for appointment of a successor administrator, pursuant to O.C.G.A. §53-6-21(b). Appropriate interlineations must be made, and additional information must be given concerning the identity of the previous administrator, the reason for the vacancy in the office, and the date the office became vacant.
3. With respect to the conditions under which the judge may, pursuant to O.C.G.A. §53-7-1(b), waive bond and/or grant certain powers contained in O.C.G.A. §53-12-232, please note:
 - (a) All of the heirs must consent, and
 - (b) Notice must be published.
4. O.C.G.A. §53-11-2 provides that a party to a probate court proceeding concerning a decedent's estate who is unborn or unknown or is not sui juris must be represented by a guardian, provided that the court may appoint a guardian ad litem or determine that the natural guardian, guardian of the person or property, or testamentary guardian has no conflict and may serve. (See GPCSF 16). For purposes of the consent described in paragraph 3 above, with respect to any heir who is not sui juris, such consent may be given by such guardian. The personal representative of a deceased heir is authorized to consent on behalf of that heir.
5. The attached form consists of 7 pages.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

PETITION FOR LETTERS OF ADMINISTRATION

GEORGIA, _____ COUNTY

To the Honorable Judge of the Probate Court:

The petition of _____ whose domicile is _____, and whose mailing address is _____, shows to the Court that:

1.

_____, whose
First Middle Last Name
domicile was _____
Street City County State
departed this life on _____, 20 _____, intestate, leaving an estate of real property
valued at approximately _____ and personal property valued at
approximately _____.

2.

Under the law it is necessary that said estate be administered; and _____
_____ should be appointed Administrator by reason of (check one):

- _____ being unanimously selected by all the heirs. (This alternative does not apply if the surviving spouse is the sole heir and an action for divorce or separate maintenance was pending at the time of decedent's death.)
- _____ being the surviving spouse where no action for divorce or separate maintenance was pending at the time of decedent's death.
- _____ being an heir and not the surviving spouse.
- _____ having been selected by a majority in interest of the heirs.
- _____ being an eligible person as defined by O.C.G.A. §53-6-1.
- _____ being a creditor of the decedent (evidence of the indebtedness is attached).
- _____ being the county administrator.

3.

Listed below are the names of all the decedent's heirs with the age or majority status, address, and relationship to decedent set opposite the name of each:

Name	Age (or over 18)	Address	Relationship

4.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Also, state here all pertinent facts which may govern the method of giving notice to any party and which may determine whether or not a guardian ad litem should be appointed for any party. If any heirs listed above are cousins, grandchildren, nephews or nieces of the decedent, please indicate the deceased ancestor through whom they are related to the decedent.

5.

(Check one):

_____ Notice of this petition must be published either because all heirs have consented that the judge of the probate court may waive the bond and/or grant certain powers contained in O.C.G.A. §53-12-232 to the Administrator and therefore the notice required by law in such cases must be issued and published, or because the identities and/or addresses of all the heirs are not known.

_____ Notice of this petition need not be published, because waiver of bond and/or grant of powers contained in O.C.G.A. §53-12-232 is not sought and the identities and addresses of all the heirs are known.

6.

To the knowledge of the petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

Wherefore, petitioner prays that service be perfected and that if no good cause is shown to the contrary, _____ be appointed Administrator of the estate of said decedent.

Signature of Attorney (or
petitioner if pro se)
Address:

Telephone Number:
State Bar #:

Signature of Attorney (or
petitioner if pro se)
Address:

Telephone Number:
State Bar #:

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Petitioner

Residence Address:

Petitioner

Residence Address:

Telephone Number:

Telephone Number:

Sworn to and subscribed before me, this _____ day of _____, 20_____.

Clerk of Probate Court or Notary Public

**SELECTION BY HEIRS (AND
CONSENT OF HEIRS TO WAIVER OF BOND
AND/OR GRANT OF CERTAIN POWERS)**

Note: If an heir is not sui juris, the guardian appointed by the Court or the person that the Court determined may act as guardian is authorized to consent for such non sui juris heir in accordance with the instruction page to this form.

GEORGIA, _____ COUNTY

We, being (all of the) heirs of the estate of _____, deceased, and being sui juris unless otherwise indicated, do hereby acknowledge service, waive all further notice, and select _____ to act as Administrator of the estate of said decedent,

(check only if applicable):

_____ and authorize the judge of the probate court to

(check all which apply):

- _____ a. waive the bond of the Administrator and grant to the Administrator the power to serve without making and filing inventory and without filing any annual or other returns or reports to any court; but the fiduciary shall furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements.
- _____ b. grant to the Administrator all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.
- _____ c. grant to the Administrator only those certain powers contained in O.C.G.A. §53-12-232 which are set forth in Exhibit "A" attached hereto.

SIGNATURE(S) OF HEIRS

Sworn to and subscribed before
me this _____ day of _____, 20__.

NOTARY/CLERK OF PROBATE COURT

Sworn to and subscribed before
me this _____ day of _____, 20__.

NOTARY/CLERK OF PROBATE COURT

Sworn to and subscribed before
me this _____ day of _____, 20__.

NOTARY/CLERK OF PROBATE COURT

Sworn to and subscribed before
me this _____ day of _____, 20__.

NOTARY/CLERK OF PROBATE COURT

ORDER FOR SERVICE OF NOTICE

Probate Court of _____ County

(Complete only if applicable:)

Since the heirs have not made a unanimous selection, or the heirs have requested the waiver of bond and/or grant of certain powers, it is ordered that notice be issued and served as follows upon any heirs who did not acknowledge service. Notice of this petition must be mailed by first-class mail to each heir with a known address at least 13 days prior to the date on or before which any objection is required to be filed. If there is any heir whose current address is unknown or any heir who is unknown, or if the heirs have unanimously requested the waiver of bond and/or grant of certain powers, notice must be published once each week for four weeks prior to the week which includes the date on or before which any objection must be filed.

DATE

JUDGE OF THE PROBATE COURT

NOTICE

NOTE: Strike the sentence in parenthesis below if not applicable.

GEORGIA, _____ COUNTY PROBATE COURT

_____ has petitioned (for _____) to be appointed Administrator of the estate of _____, deceased, of said County. (The petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. §53-12-232.) All interested parties are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the court on or before _____, 20____. If any objections are filed, a hearing will be (held on _____) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

JUDGE OF THE PROBATE COURT

By: _____
CLERK OF THE PROBATE COURT

CERTIFICATE OF MAILING

GEORGIA, _____ COUNTY

I do hereby certify that I have this day mailed by first-class mail a copy of the above Notice in this matter to each heir with a known current address as listed by the petitioner who did not acknowledge service in an envelope, properly addressed and with adequate postage thereon, and deposited in the United States Mail, with the return address of this Court thereon.

DATE

CLERK, PROBATE COURT

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

RE: ESTATE OF _____) ESTATE NO. _____
)
)
) RE: PETITION FOR LETTERS OF
DECEASED) ADMINISTRATION

FINAL ORDER

The petition of _____ for issuance of Letters of Administration on the estate of _____, deceased, has been duly filed. Service was perfected according to law. It appears that said decedent died domiciled in said county, intestate; that (initial one):

_____ the petitioner

_____ (name): _____
is lawfully qualified for said administration; and that no objection has been offered.

_____ (Initial if applicable.) Such petition contained a request for waiver of bond and/or grant of certain powers contained in O.C.G.A. §53-12-232. The notice which was issued and published reflected this, and no objection to the request has been filed. Consent to such request was given by all heirs.

It is therefore ordered that the undersigned judge does hereby:

(Initial all which apply):

- _____ a. waive the bond of the Administrator and grant to the Administrator the power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary shall furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements.
- _____ b. grant to the Administrator all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.
- _____ c. grant to the Administrator only those certain powers contained in O.C.G.A. §53-12-232 which are set forth in Exhibit "A" attached to the petition.

It is therefore ordered that the person found above in this order to be qualified for such office be, and is hereby, appointed Administrator of the estate of said decedent, and that appropriate Letters be issued upon said Administrator's (giving bond with approved surety in the sum of _____ dollars and) taking the oath as provided by law.

DATE

JUDGE OF THE PROBATE COURT

OATH

Georgia, _____ County

I do solemnly swear or affirm that _____, deceased, died intestate, so far as I know or believe, and that I will well and truly administer on all the estate of the decedent, and disburse the same as the law requires, and discharge to the best of my ability all my duties as Administrator. So help me God.

Administrator

Sworn to and subscribed before me this
_____ day of _____, 20 ____.

Clerk, Probate Court